

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT A. DANIELS,

Plaintiff(s),

v.

MARC S. JENSON, et al.,

Defendant(s).

2:11-CV-298 JCM (CWH)

ORDER

Presently before the court is Magistrate Judge Hoffman's report and recommendation that plaintiff Robert A. Daniels' motion to strike (doc. # 68) be granted. (Doc. # 70). No objections to the report and recommendation have been filed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)©). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." *Id.*

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district

1 court when reviewing a report and recommendation to which no objects were made); *see also*
2 *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
3 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
5 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
6 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation
7 to which no object was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing plaintiff Robert A.
10 Daniels' motion to strike (doc. # 68) and Magistrate Judge Hoffman's report and recommendation
11 (doc. # 70), this court finds good cause to adopt the magistrate judge's findings in full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
14 recommendation of Magistrate Judge Hoffman granting plaintiff Robert A. Daniels' motion to strike
15 (doc. # 70) be, and the same hereby is, ADOPTED in its entirety.

16 IT IS FURTHER ORDERED that plaintiff Robert A. Daniels' motion to strike (doc. # 68)
17 be, and the same hereby is, GRANTED.

18 IT IS FURTHER ORDERED that defendant Marc S. Jenson's answer be STRICKEN.

19 IT IS FURTHER ORDERED that default judgment shall be entered against defendant Marc
20 S. Jenson.

21 DATED April 1, 2013.

22
23 
24 **UNITED STATES DISTRICT JUDGE**